

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SEAN F. MATHIS,)
)
Petitioner,)
)
vs.) Case No. 4:11CV00678 SNLJ
)
JEFF NORMAN,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Sean F. Mathis. I referred this matter to United States Magistrate Judge Thomas C. Mummert, III, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 2, 2012, Judge Mummert filed his recommendation that Mathis' habeas petition should be denied.

Objections to Judge Mummert's Report and Recommendation were filed on March 6, 2012, but they consist entirely of re-argument. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Mummert and deny Mathis' habeas petition for the reasons stated in the Report and Recommendation dated February 2, 2012.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because

Mathis has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

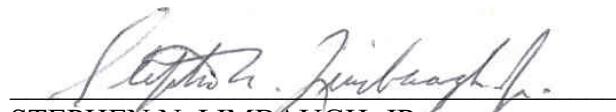
IT IS HEREBY ORDERED that Judge Mumert's Report and Recommendation filed on February 2, 2012 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Sean F. Mathis' Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 14th day of March, 2012.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE